

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCO STEIGER and DAVID SUTER

Appeal No. 2005-1001
Application No. 09/917,998

ORDER DISMISSING APPEAL

MAILED

APR 07 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before HARKCOM, Acting Chief Administrative Patent Judge,
MCQUADE and NASE, Administrative Patent Judges.

MCQUADE, Administrative Patent Judge.

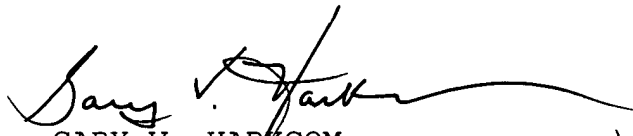
On March 25, 2005, the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Appeal No. 2005-1001
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Accordingly, the appeal in this application is hereby
dismissed.

The application is being returned to the examiner for
further action as may be appropriate.

DISMISSED


GARY V. HARKCOM)
Acting Chief)
Administrative Patent Judge)


JOHN P. MCQUADE)
Administrative Patent Judge)


JEFFREY V. NASE)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

JPM:hh

Appeal No. 2005-1001
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